

November 1, 2017

Mr. Charles Mitchell  
RK&K, Inc.  
700 East Pratt Street  
Suite 500  
Baltimore, Maryland 21202

RE: St. Timothy's School,  
Five Arts and Student Center Addition  
Forest Conservation Variance  
Tracking # 02-17-2585

Dear Mr. Mitchell:

A request for a variance from Article 33, Title 6, Baltimore County's Forest Conservation Law was received by this Department on October 17, 2017. This request seeks approval for the removal of a specimen tree in poor condition due to safety reasons as well as to facilitate the reconfiguration and extension of a sidewalk along the campus loop road. The specimen tree is a 50-inch diameter red oak (Quercus rubra) that leans towards the dining hall and main walkway and is within striking distance of those structures. Therefore, this tree is a danger and must be removed regardless of whether or not the sidewalk extension can be reconfigured to protect this tree or is omitted from the school's expansion plans.

The Director of EPS may grant a special variance to the Forest Conservation law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the three criteria under Subsection 33-6-116 (d) must be met, and all three (3) of the criteria under Subsection 33-6-116 (e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. The applicant is seeking to renovate educational facilities at a school that existed well prior to the effective date of the Forest Conservation Law and is addressing a safety concern posed by the specimen tree in the process. The campus has complied with the full application of the law in conjunction with an earlier expansion. Therefore, we find that this criterion has been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. The expansion of the arts and student center and reconfiguration of infrastructure as well as the dangers posed by the existing specimen tree in poor health are due to unique circumstances associated with the educational facilities and the school property rather than the general conditions in the neighborhood. Therefore, we find that this criterion has been met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The expansion efforts will not result in a change in use of the property, and the applicant is removing a lone hazardous tree that in the heart of the campus, approximately 1,000 feet removed from the closest public road. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. In addition to Forest Conservation Easements (FCE), a Forest Buffer Easement (FBE) was also established to protect the stream systems onsite as part of the previous expansion. The protective covenants governing both the FCE and FBE are being honored, and the tree to be removed is not within either easement. Additionally, the proposed expansion will comply with current stormwater requirements. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The petitioner has not taken any actions necessitating this variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Permitting the removal of a specimen tree in poor condition in conjunction with an expansion activity on an existing campus that has complied with both the Forest Buffer Law and the Forest Conservation Law would be consistent with the spirit and intent the Forest Conservation Law. Therefore, this criterion has been met.

Based upon our review, this Department finds that all of the above criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code. Mitigation for removal of this tree is not required given its poor condition. This variance approval does not exempt future

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redevelopment of this site or future removal of specimen trees from having to comply with Baltimore County's Forest Conservation Law

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the appropriate school representative sign the statement below and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL/msk

C. Marian Honeczy, Maryland DNR

I/we agree to the conditions enumerated in this approval letter to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

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School Representative

Date

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Printed Name